

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINOTH PONMARAN,

Defendant.

CASE NO. MJ22-310-BAT

DETENTION ORDER

The Court has conducted a detention hearing under 18 U.S.C. § 3142(f), and concludes there are no conditions which the defendant can meet which would reasonably assure the defendant's appearance as required or the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

Defendant is charged in the Southern District of New York with conspiracy to commit wire fraud and wire fraud. The nature and circumstances of the offense cut against release. Defendant is charged with being the leader of a multi-year fraud conspiracy in which thousands of alleged victims were defrauded of millions of dollars. The allegation does not involve a one-time spur of the moment act but a deliberate, somewhat sophisticated international scheme to take advantage of individuals who are unfamiliar with computer pop-ups and invitations to clear virus intrusion for a fee.

1 The weight of the evidence is strong. The government proffered there is documentary
2 evidence directly tying Defendant to the offenses and that shows he had a leadership role. A co-
3 defendant was convicted and sentenced, and the government also proffered Defendant made
4 post-arrest statements that incriminate him.

5 Defendant has no criminal history which weighs in his favor. However, his ties to the
6 United States are slim. He is a citizen of India. He has lived in Canada the past few years
7 although it appears his visa to remain in that country has expired. He was arrested entering the
8 United States and the Canadian-U.S. Border. He has a relative by marriage who lives in Arizona
9 and a relative who lives in Michigan. Although the relative living in Arizona proposed to be a
10 release address, there is nothing showing Defendant has any particular tie to that state or any
11 other state in this county.

12 Defendant has no criminal convictions for crimes of violence. The government, however,
13 proffered that Defendant made threats to those he supervised in the criminal conspiracy showing
14 when push comes to shove, Defendant is willing to use violence.

15 The government proffered that the co-defendant who has been sentenced faced a
16 guideline range of 324 months at the low end but received a sentence of 8 years of imprisonment
17 due to certain mitigating factors. Defendant thus faces an enormous potential sentence if
18 convicted and has a strong incentive to flee to avoid this sentence. If convicted Defendant would
19 in all likelihood be subject to deportation proceedings; this reenforces Defendant's incentive to
20 flee.

21 Although defendant offered a \$30,000 cash bail amount, the Court is not persuaded this is
22 monetary bail sufficiently accounts for Defendant's risk of flight. The government proffered the
23 case involves millions in losses and argues Defendant has far more financial means at this

1 disposal than he claims. The Court concludes the loss of money posted for bail does not diminish
2 the incentive to flee and to avoid a potentially very lengthy prison sentence and subsequent
3 deportation.

4 It is therefore **ORDERED**:

5 (1) Defendant shall be detained pending trial and committed to the custody of the
6 Attorney General for confinement in a correctional facility separate, to the extent practicable,
7 from persons awaiting or serving sentences, or being held in custody pending appeal;

8 (2) Defendant shall be afforded reasonable opportunity for private consultation with
9 counsel;

10 (3) On order of a court of the United States or on request of an attorney for the
11 Government, the person in charge of the correctional facility in which Defendant is confined
12 shall deliver the defendant to a United States Marshal for the purpose of an appearance in
13 connection with a court proceeding; and

14 (4) The Clerk shall provide copies of this order to all counsel, the United States
15 Marshal, and to the United States Probation and Pretrial Services Officer.

16 DATED this 9th day of August, 2022.

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BRIAN A. TSUCHIDA
United States Magistrate Judge
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